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March 21, 2023

**VIA E-FILING AND HAND DELIVERY**

The Honorable Colm F. Connolly  
J. Caleb Boggs Federal Building  
844 N. King Street  
Unit 31, Room 4124  
Wilmington, DE 19801-3555

Re: *Alnylam Pharmaceuticals, Inc. v. Moderna Inc.*, C.A. No. 22-335 (CFC)

Dear Chief Judge Connolly:

We write in response to Moderna's March 21, 2023 letter to the Court. In its letter, Moderna mischaracterizes the record before the Court, wrongly claiming "Alnylam also fails to inform the Court that Alnylam continues to prosecute other patent applications in the same patent family and has refused to offer any assurances that it will not assert those patents against Moderna." The facts are that Alnylam first informed the Court of pending patents at the Scheduling Conference on September 1, 2022. D.I. 55-4 at 14:3-4 ("there are additional patents issuing"); 14:23-25 ("I can represent meaningful patents will issue before June 28, 2023."). Similarly, in its opening brief seeking to add the '229 Patent, Alnylam again informed the Court that "Alnylam continues to prosecute continuation patent applications related to the [two patents already at issue in this case]." D.I. 55 at 4. As to these pending applications, Alnylam unequivocally represented to the Court and Moderna that when any additional patents issue Alnylam will not seek to assert them in this litigation under the current schedule, thereby avoiding a second Markman hearing in this case. D.I. 63 at 11.

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Respectfully,

*/s/ Ethan H. Townsend*

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cc: All Counsel of Record (via e-filing)

## WORD COUNT CERTIFICATION

The undersigned counsel hereby certifies that the foregoing document contains 187 words, which were counted by using the word count feature in Microsoft Word, in 14-point Times New Roman font.

/s/ *Ethan H. Townsend*  
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